

UNCLASSIFIED UNESCOPARI 06090767
VZCZCXRO4379
RR RUEHAP RUEHFL RUEHGI RUEHGR RUEHKN RUEHKR RUEHMA RUEHMJ RUEHMR
RUEHPA RUEHPB RUEHQU RUEHRN RUEHSK
DE RUEHFR #0767/01 1601435
ZNR UUUUU ZZH
R 091435Z JUN 09 ZDK
FM UNESCO PARIS FR
TO RUEHC/SECSTATE WASHDC
INFO RUCNSCO/UNESCO COLLECTIVE

UNCLAS SECTION 01 OF 02 PARIS FR 000767

SIPDIS

E.O. 12958: N/A

TAGS: [SCUL](#) [UNESCO](#) [JA](#) [CH](#) [IN](#)

SUBJECT: UNESCO AVOIDS IGNITING A ROW OVER CULTURAL PROPERTY
DISPLACED DURING WWII - FOR NOW

Ref: Peay e-mail report (19 March 2009)

UNESCOPARI 06090767 001.2 OF 002

[¶1.](#) Summary. At its 181st session in April 2009, UNESCO's Executive Board barely averted a dramatic and politically damaging showdown over the issue of cultural objects displaced in connection with the Second World War (WWII). At the core of the dispute was whether the Board should adopt or endorse a disputed Draft Declaration of Principles relating to such cultural objects, as modified at a March 2009 intergovernmental meeting of experts (the "Draft Declaration"). More than 60 years after the tragic events of that war, a number of Asian and European States at UNESCO remain pitted against each other, demonstrating that the wounds of World War II are still not fully healed. Thanks to a draft decision tabled by the U.S., the disputing delegations were finally able to reach a procedurally "neutral" compromise. However, it will serve only to defer this issue until the fall of this year when the UNESCO General Conference will have to face an unavoidable and difficult substantive decision on fate of the Draft Declaration. End Summary.

[¶2.](#) In an almost surreal replay of WWII tensions, UNESCO's Executive Board found itself in April once again trying to find an elusive consensus on whether to adopt or endorse the Draft Declaration, or face the prospect of a divisive vote over that document. The principal antagonists in this struggle were (once again) Germany, Poland, Russia, Japan, and China, recently outspokenly supported by India. At a March 17-18, 2009 inter-governmental experts' meeting (see ref report), the March 2007 version of this document was carefully reviewed and modified only slightly by four consensus-based, non-substantive amendments to the preamble of the 2007 text. This revised version, now referred to as "the March 2009 text," was the focal point of discussion during the 181st Board session.

[¶3.](#) Two or three days before the closing session of the Board, Russia, Germany, and the Asia-Pacific group (ASPAC) began informally circulating draft decisions to test reactions among the key interlocutors (including the U.S.). The U.S. Mission sent such draft texts back for the Department's reaction, and all were found to be seriously wanting and unacceptable to the U.S. As tensions increased and time began to run out, China became more outspoken in urging that the Executive Board should formally endorse the March 2009 text and ask the General Conference to formally adopt it. In short, China seemed prepared to provoke a vote on this issue.

[¶4.](#) On the closing day of the 181st session, a large, open-ended working group (chaired by the Executive Board Chairman Yai) met in a desperate effort to reach a solution. In addition to the U.S., other delegations that participated in that meeting (many at the ambassadorial level) included: Argentina; Brazil; the Czech Republic; China; France; Germany; India; Italy; Japan; Norway; Poland; and Slovenia. Delegations negotiated intensively over an hour. Finally, on the basis of a "procedurally neutral" draft resolution text (see para 7 below) prepared by the U.S. Mission's Legal Adviser, the group agreed to a consensus outcome. Specifically, the Executive Board would neither adopt nor endorse

the March 2009 text, but rather ask the DG to submit it to the 35th General Conference "for decision." This approach and the supporting draft decision were reported to the plenary and quickly adopted without further debate.

15. Comment. Considerable relief was expressed by Ambassadors and others as they left the meeting room, many offering kudos for the key role the U.S. played in helping to broker a consensus outcome. With few exceptions, however, conflicting substantive positions regarding the desirability of adopting the March 2009 Draft Declaration have not changed over the past two years. And, they are not likely to change much between now and this fall when the General Conference will have to decide this issue. The Chinese ambassador has warned us, nonetheless, that China is seriously considering asking for adoption of that text -- by vote if necessary. The U.S. will therefore once again have to devise a strategy aimed at doing its utmost to prevent the WWII issue from tearing UNESCO asunder.

16. Comment continued: China's increasingly strident insistence (now vociferously supported by India) that the Draft Declaration be adopted, even over the objections of others (e.g., Japan and Germany) is complicating the situation greatly. Another worrisome complication is the increasing involvement in this issue of countries like India and Turkey. Both are seeking to have the Draft Declaration adopted not to obtain cultural objects lost in connection with WWII, but largely because the Draft Declaration contains a single preambular paragraph which notes that "the return of cultural objects to their countries of origin is a major concern of many countries." This innocent-sounding phrase ("the return of cultural objects to their countries of origin") is actually code for "the time has come to begin returning many cultural items now found in museums in many Western countries that were taken by force, during the colonial period, or otherwise illicitly, and that should now be returned to their countries of origin." It's still too early to comment definitively, but the Mission believes that the "return to their countries of origin" concept at UNESCO is building momentum, much as "cultural diversity" did at the beginning of the

UNESCO/PARI 06090767 002.2 OF 002

decade. It is fairly predictable that, regardless of how the Draft Declaration issue is ultimately resolved, this new "return to countries of origin" concept is one with which UNESCO will be increasingly grappling, and one the U.S. will need to carefully monitor and seek to contain as it evolves.

ENGELKEN